

To the Members of the California State Assembly:

I am returning Assembly Bill 358 without my signature.

This measure would allow trial judges to review a prosecutor's determination of a defendant's eligibility for a deferred entry of judgment program. While there have been rare instances where a prosecutor has made an erroneous determination as to eligibility, existing law already provides an adequate remedy. There is no evidence that requiring judges to review the prosecutor's determination would be an effective use of court resources or would improve the existing process by which determining eligibility for a deferred entry of judgment program is done.

For these reasons, I am unable to sign this bill.

Sincerely,

Arnold Schwarzenegger